

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAY A. EDDINGTON, #154212,

Petitioner,

**Civil No: 06-CV-10604-DT
Honorable Patrick J. Duggan
Magistrate Judge Steven D. Pepe**

v.

NICK LUDWICK,

Respondent.

**OPINION & ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS AS MOOT**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan on November 2, 2006.

**PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE**

Petitioner, Ray A. Eddington, filed a *pro se* petition for a writ of habeas corpus on February 10, 2006, pursuant to 28 U.S.C. §2254, arguing that he was incarcerated in violation of his constitutional rights. In his *pro se* petition, Petitioner challenged his convictions for assault with intent to commit murder, felony firearm, and being a fourth habitual offender. Respondent has filed a "Suggestion of Death," in which Respondent requests that the Court dismiss the petition as moot on the ground that Petitioner is now deceased. The death of an inmate during the pendency of his habeas petition renders the

habeas action moot and deprives the federal court of jurisdiction over the case. *Griffey v. Lindsey*, 349 F. 3d 1157, 1157 (9th Cir. 2003); *Figueroa v. Rivera*, 147 F. 3d 77, 82 (1st Cir. 1998); *Knapp v. Baker*, 509 F. 2d 922, 922 (5th Cir. 1975); *In Re Kravitz*, 504 F. Supp. 43, 52 (M.D. Pa. 1980). Based upon the foregoing, the Court concludes that Petitioner's habeas claims have been rendered moot by his death on June 11, 2006.

Accordingly,

IT IS ORDERED that the petition for writ of habeas of corpus is **DISMISSED AS MOOT**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
B. Eric Restuccia, Esq.